

REMARKS

This application has been reviewed in light of the Office Action dated September 11, 2007. Claims 1, 2, 4, 6, 8-10, 12, 13, 15, 17, 19-21 and 47-49 are presented for examination, of which Claims 1, 8, 9, 12, 19, 20, 47 and 49 are in independent form. Claims 1, 8, 9, 12, 19, 20, 47 and 49 have been amended to define still more clearly what Applicant regards as his invention. Favorable reconsideration is requested.

Claims 8 and 19 were rejected under 35 U.S.C. § 112, second paragraph, on the ground that the phrase “value which is generally” is indefinite. Applicant has carefully reviewed and amended the claims to delete this phrase. It is believed that the rejection under Section 112 has been obviated and its withdrawal is, therefore, respectfully requested.

Claims 1, 2, 4, 12, 13, 15 and 47-49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over RFC 2390 in view of U.S. Patent No. 6,438,607 (Fujimori).

Claims 6, 9, 10, 17, 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over RFC 2390 and Fujimori in view of U.S. Patent No. 5,850,388 (Anderson et al.).

Claims 8 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over RFC 2390 and Fujimori in view of U.S. Patent No. 6,310,858 (Kano et al.).

As shown above, Applicant has amended independent Claims 1, 8, 9, 12, 19, 20, 47 and 49 in terms that more clearly define what he regards as his invention. Applicant submits that these amended independent claims, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

Claim 1 is directed to a network apparatus including: (1) a receiving unit for

receiving data from a network; (2) a detecting unit for detecting a value indicative of a data length, the value being in a packet header of the data received by the receiving unit, the packet header being provided for a predetermined protocol; and (3) a setting unit for setting a logic address of the network apparatus based on a destination logic address of the received data so that the logic address of the network apparatus and the destination logic address of the received data are the same in a case where the detected value indicative of the data length is a specific value indicative of a specific data length different from actual data length of the received data, and a destination physical address of the received data and a physical address of the network apparatus are the same.

Among other notable features of Claim 1 is: (1) a detecting unit for detecting a value indicative of a data length, the value being in a packet header of the data received by the receiving unit, the packet header being provided for a predetermined protocol; and (2) a setting unit for setting a logic address of the network apparatus based on a destination logic address of the received data so that the logic address of the network apparatus and the destination logic address of the received data are the same in a case where the detected value indicative of the data length is a specific value indicative of a specific data length different from actual data length of the received data, and a destination physical address of the received data and a physical address of the network apparatus are the same. By virtue of the structure recited in Claim 1, it is possible to prevent the situation where the logic address of the network apparatus may be set unintentionally when the network apparatus receives one type of data for setting the logical address and another type of data for other purposes, and the logic address is set in response to the latter type of received data.

On January 10, 2008, Applicant's undersigned attorney conducted a telephone interview to discuss the prior art rejections. In particular, Applicant's undersigned attorney pointed out that the Office Action states on page 8, paragraph 36 that "Applicant's claimed invention sets a logical address in **a packet** that is received. This is the same as the prior art. The prior art teaches setting a logical address **in a field of a packet** that is returned to the requested. The logical address that is **written in the field** is the logical address of the device that has the same MAC address." However, as explained during the telephone interview, the setting unit of Claim 1 sets the address of the network apparatus. It does not set the destination logic address in a field of a packet, as in the cited RFC 2390. The above constitutes a Statement of the Substance of the Interview.

That the setting unit of Claim 1 sets the address of the network apparatus clearly is supported in the specification (see, e.g., Figure 10, steps S1003 and S1004 and corresponding description in the specification on page 22, line 14 et seq.). In addition, as discussed in the background section of the specification at page 2, line 15 to page 3, line 12:

"At present, there are various methods of setting the IP address into the network device apparatus. Generally, in case of a computer terminal, the IP address is inputted from an annexed keyboard to the computer terminal and the IP address can be set to the computer terminal.

However, in a network device apparatus for which no keyboard is equipped, for example, the following method is used: (1) a method whereby when a power supply of the network device apparatus is turned on, the network device apparatus obtains an IP address from a server of the network and sets it by using a protocol such as DHCP (Dynamic Host Configuration Protocol), BOOTP, RARP, or the like; (2) or a method whereby the IP address is set to the network device apparatus from the computer terminal of the network by its own protocol; or the like.

However, according to the method (1) the server is certainly necessary for the network and the setup in the server has to be also performed, so that a burden on

the user is large. According to the method (2), a computer terminal to communicate by using the own protocol and a program which operates at the computer terminal are necessary, so that a burden on the user is also large.”

Because of the above mentioned drawbacks, as discussed on page 3, line 19 through page 5, line 6 of the specification, a method whereby an ICMP protocol is used as a standard program and a ping program is used as a standard program has been used. However, as further discussed in the specification (page 5, lines 9 - 12), “since the ping program is extremely general, the IP address of the network device apparatus can be also easily set by another network application using the ping program.” Accordingly, as discussed in the specification,¹ the present invention “is made to solve the above problems and it is an object of the invention to provide a network device apparatus such that an IP address to be inherently set can be set by using a general program while an erroneous setup of an IP address by a general program is avoided” (page 5, lines 21-26).

Further support the setting unit recitation can be found on page 23, line 26- page 24, line 1, wherein it states that “[t]he user, ... in case of setting the IP address from the PC 103 to the network board 101”; page 27, lines 8-10, wherein it states that “[i]n case of setting the IP address to the network board 101 from the PC 103, the user”; and page 36, lines 16-23, wherein it states that “[a]s described above, according to the invention, ..., the setup of the IP address in the network device apparatus ... can be safely performed in accordance with the attribute value in the network protocol of the data to be transmitted.”

RFC 2390 has been fully described in prior Office Actions and it is not deemed

^{1/} It is to be understood, of course, that the claim scope is not limited by the details of the described embodiments, which are referred to only to facilitate explanation.

necessary to repeat that description herein. Applicant has found nothing in RFC 2390 that would teach or suggest “a setting unit for setting a logic address of said network apparatus based on a destination logic address of the received data so that the logic address of said network apparatus and the destination logic address of the received data are the same in a case where the detected value indicative of the data length is a specific value indicative of a specific data length different from actual data length of the received data, and a destination physical address of the received data and a physical address of said network apparatus are the same,” as recited in Claim 1.

A review of the other art of record, including Fujimori, Anderson and Kano, has failed to reveal anything which, in Applicant’s opinion, would remedy the deficiencies of the art discussed above, as a reference against Claim 1.

In addition, for the same reasons set forth in the March 22, 2008 Amendment After Final Action, Applicant has found nothing in the cited prior art that would teach or suggest “a detecting unit for detecting a value indicative of a data length, the value being in a packet header of the data received by said receiving unit, the packet header being provided for a predetermined protocol,” as recited in Claim 1.

Independent Claims 8, 9, 12, 19, 20, 47 and 49 recite features similar to those discussed above with respect to Claim 1 and therefore are also believed to be patentable over the cited prior art for the reasons discussed above.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention,

however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully request favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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